

## **POLICY ON DISCLOSURE OF STUDENT INFORMATION**



1. This policy sets out the procedure to be followed if a request is received for information about a student and details the steps to follow and who should carry out those steps. The policy does not apply to requests for student references for which a separate policy applies (xxx)
2. Requests fall into four categories: third party requests accompanied by disclosure authorisation from a student, third party requests without such authorisation, requests from law enforcement agencies, and emergency requests. Disclosure authorisation refers to a signed declaration by a student or alumnus/ that they permit the release of their personal information held by the School to a third party.
3. All requests for information covered below must to be sent to Registry who will deal with the request. No other School staff should provide information.

### **Third party requests with disclosure authorisation**

4. Where a request is received from a bank, letting agent or other commercial organisation, it should be accompanied by a signed statement from the student authorising the School to release the information. The statement should be signed, dated and state the name of the organisation to whom the information can be provided. Faxed or emailed disclosure statements are acceptable.
5. The response to this request should be signed by one of the Registry Officers or the Assistant Registrar.

### **Third party requests without disclosure authorisation**

6. Where a request for information is not accompanied by a disclosure statement, the originating body should be asked to contact the student to provide one and advised that the School is unable to assist further until this statement is received.
7. However, with relatively simple requests for information, such as returning lost property, Registry staff should not confirm whether a student is registered but instead volunteer to forward a message to anyone who matches the details provided (which generally need to be more than just a full name).
8. The forwarding of this message can be undertaken by any member of Registry staff.

### **Requests by law enforcement agencies**

9. The Police, and other authorised agencies, may request personal data about specific individual(s) from the School for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders, and in emergency situations. Sections 28, 29(3) and Schedule III(3) of the Data Protection Act provides authorised agencies with the mechanism to request, and the School the authority to either release or decline to release, personal data without the explicit consent of the individual(s).

10. However, the Data Protection Act includes exemptions which allow personal data to be disclosed to law enforcement agencies without the consent of the individual who is the subject of the data, and regardless of the purpose for which the data were originally gathered. In particular, personal data may be released if:

- the information is required for safeguarding national security (Data Protection Act section 28); or
- failure to provide the data would prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty (Data Protection Act section 29(3)).

11. Other government agencies who may also request data for law enforcement purposes include the Department for Work and Pensions, local authorities, HM Revenue and Customs and the UK Border Agency.

12. The Police and other agencies may have a variety of reasons for wishing to trace someone who they believe is or was a student at the School. Staff should generally aim to co-operate with any enquiries as far as it is possible within the confines of the Data Protection Act.

13. Section 29(3) of the DPA allows the School to hand over personal data on specific individual(s) to the Police, or other authorised agencies, if the School is convinced that failure to disclose the information would prejudice the Police investigation. A standard Police form, approved by the Association of Chief Police Officers, is used for making requests under Section 29(3) of the DPA. The completed form will briefly outline:

- the nature of the investigation and the reason that information is required,
- the individual(s) about whom the Police require data,
- the individual(s) role in that investigation,
- the information required about the individual(s),
- the name and number of both the requesting and authorising Police Officers.

14. **Other law enforcement agencies** may not use standard forms. However, any request should:

- be in writing, on headed paper, and signed by an officer of the agency.
- describe the nature of the information which is required.
- describe the nature of the investigation (e.g. citing any relevant statutory authority to obtain the information).
- certify that the information is necessary for the investigation.

15. The completed form must be signed by both the requesting Officer and the authorising Officer. The authorising Officer must be senior to the requesting Officer and of a rank no lower than Inspector. There may be rare cases where the nature of the investigation may not be specified on the form as it would itself prejudice an investigation - In such a case the authorising Officer must be of the rank of Superintendent or above.

16. In all cases, including those refused, the request must be logged for audit purposes including:

- details of the request,
- an assessment of the veracity of the request,
- the requestor(s) name and role [eg: Police Officer, Immigration Officer, Tax Authority],
- the requestor(s) warrant card number or similar official identification details - when appropriate
- the University person(s) handling the request,
- the action(s) taken,
- the date/time for each action,
- the information released.

17. A request by phone is not generally acceptable but the School may accept a faxed section 29(3) form.

18. If a properly completed form or letter is received, the data should normally be disclosed.

19. Copies of the form or letter used to request personal data, other correspondence with the law enforcement agency and a copy of any data released should be retained by the School for 6 years.

20. The response to this request should be signed off by the Assistant Registrar or Head of Registry Services.

### **Emergency requests**

21. Schedule III(3) of the DPA allows the release of personal data about an individual in an emergency, e.g. for medical, accident or next-of-kin situations etc in order to protect the vital interests of that individual or another individual.

22. An emergency situation is one where the School has reason to believe that there is a danger of death or injury to a member of the School or any other person. The police and other emergency services may urgently require personal data from the School, and may not have time to complete a formal written request. In these circumstances, data can be legally disclosed provided it has been authorised by the Head of Registry Services, the Assistant Registrar, the Deputy Secretary and Registrar, the Secretary and Registrar or the School Archivist. The request should be followed up by a formal written request as soon as possible.

Last updated 7.11.11